REMARKS BY

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BEFORE THE

BAR ASSOCIATION OF ST. LOUIS

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Thank you. Under Mike's leadership you've had a dynamic year.* I want to congratulate Mike on that interesting display. At dessert time I felt like I was back in the Persian Gulf again. It's really wonderful to be home, and it's hard to believe I've been gone for 10 years. There have been some important architectural changes in that 10-year period, and Union Station is one of them. This is the first time I've been able to really see and enjoy Union Station. There is, of course, that other engineering triumph to which my life is inexorably linked, the Vandeveter overpass.

It's great to see so many of you, and I hope I'll have the chance to see others after dinner. It's particularly good to see members of my old carpool. I started practicing law almost 40 years ago, and we had a little carpool consisting of Walter Clark, John Shepherd, and Barry Carp. None of us could afford executive cars. Now, with the passage of time and with some wise career choices, the other three can afford them.

Ten years ago when you sent me off to Washington to head the FBI, you presented me with a pen and pencil set of the Arch. It has been on my desk these past 10 years as a reminder of a valued association and the support you have granted me all these years. And I am told, although I haven't yet seen it, that the desk set will be in the picture which you have so generously made possible for the FBI, and I want to thank you deeply for that.

As I came in today, I was thinking of a picture and quotation that appeared on the cover of the St. Louis Bar Journal when I was its editor in the early 1950s. We were commemorating a Law Day exercise. And in those days, having a photograph on the cover was expensive and not ordinarily done. It was a photograph of a young law student sitting on the bench in the civil

*Michael Gunn, President, Bar Association of Metropolitan St. Louis.

courts building following -- as I remember -- a moot court exercise. The student was looking off into the future. And the quotation, which I personally selected from Judge Learned Hand, said: "Descended to us, in some part molded by our hands, passed on to succeeding generations with reverence and with pride, we at once its servants and its masters, renew our fealty to the law." Wonderful words.

In 1977, I had the privilege of sitting by invitation as the visiting judge of the Second Circuit. One day in court I looked up and saw the bust of Learned Hand, who typified all that is good in the administration of justice. I didn't know as I sat there that I would shortly be asked to leave the bench and become Director of the FBI. Word would finally come to me as I was chairing the Council of the Corporation Banking and Business Law Section in Phoenix. That began or extended something that has come to be known as the boatswain's pipe syndrome. The syndrome doesn't ask, it calls.

And there have been several times when I've been called to leave the private practice of law, although I still think I'm on loan -- and it's getting to be a long loan. But every time I've been asked to move to something else, I've learned a little more about the dimensions of the law as it applies to our citizens.

When I was called somewhat unwillingly to the Navy during the Korean War, I had a great opportunity to participate in court martials, and a wonderful opportunity to see and read about what was going on and what was likely to go on in legal affairs in the years ahead.

When I was called to be a United States attorney, I had a great opportunity to learn something about our criminal justice system, an area of

practice that I had experienced only as an appointed counsel up to that point. And of course my experience on the federal bench gave me new insights into what a marvelous and important profession we share.

For me, the law is what it is because -- as Shakespeare said about Cleopatra -- of her infinite variety. And so acceptance of the call of duty has never failed to enrich my appreciation of this country, its citizens, and its system of justice, which guards and protects all of us. The system that we call the rule of law.

And Law Day is, I think, an appropriate time for those of us in law to reflect on our responsibilities in the legal profession -- to recognize and protect the rights of the individual; to ensure through counsel, through advocacy, and through the judicial exercise of authority that individuals and institutions are governed with fidelity to our Constitution and to the rule of law; and to inspire trust and faith in our legal system. For Americans, above all, need to believe that the laws of this country are working for them -- not against them. They need to believe that laws are applied fairly and consistently, and that there is an adequate system of redress. They also need to believe that their government is responsive, accountable, and not above the law.

In my nine years at the FBI, I saw some of the seamier sights of our society -- a world not often viewed by most lawyers of the bar. But I also gained a profound respect for the men and women who have enlisted in the cause of justice through law enforcement. Today, the modern law enforcement officer is epitomized by the discipline, dedication, and constant training of the FBI, which faces the great challenges of modern criminal activity -- whether it be

organized crime, white-collar crime, drugs, other forms of violent street crime, or the persistent shadow of terrorism. They serve not only with courage, but with a firm determination to do the work that the American people expect of them and in the way that our Constitution demands. In this process, lawyers, judges, and occasionally FBI directors play important roles. I think back to some of the important cases undertaken to uncover corruption, and to the initial criticisms that came and the vindications that followed in all the court cases. There were the Abscam cases, where we worked to uncover and deter official corruption in the legislative process. And there were the Greylord cases in Chicago, an investigation that I look back on with the greatest pride. We took on basic corruption in the courts of Cook County, a problem that had existed for two decades, with every lawyer knowing about it and no one doing anything about it. There were over 200 convictions as a result of that investigation, and the trials are ongoing.

And that brings me to a suggestion with which I know you will agree: that in the process of vindicating ourselves, the justice system must police itself. The legal profession must police itself. The courts of justice must police themselves. The lawmakers must police themselves. And I think that the advent of offices of professional responsibility in law enforcement agencies and the offices of inspectors general in other departments of government point the way. We are a profession, and as such we must be prepared to be tough on ourselves and demanding of ourselves, if our citizens are to believe that this system, over which we preside, really works.

Now just a word about my current assignment. I'm rounding out a year. I had been asked "What are you doing at the FBI?" I think the answer to that

was easier than the question people are now asking: "What are you doing at the CIA?" When I called my youngest daughter after hearing from the President, she said: "Oh Dad, I just loved the FBI, but that other place is scary." I know that perception exists to some extent, and I hope we can do something about it. There are limitations of course. Someone gave me a button which says "My job is so secret even I don't know what I'm doing." That may be true -- but don't tell anybody.

And so I bring these issues to bear. That the Central Intelligence Agency will conduct its work with absolute fidelity to our Constitution and to our law. Obviously, our officers around the world must operate in places where the laws of other countries must yield to a well-defined and well-regulated foreign policy. But in the performance of their duties, they must never be outside the laws of this country.

Secondly, I believe that because we cannot be as accountable as we would like to be in the public arena for reasons that are so obvious I need not say them, there must be absolute truth in dealing with our oversight committees which act as surrogates for the American people. We are trying now -- and I think successfully, although I take some heat from time to time -- to give guidelines to our people who have to testify before Congress. Incidentally, we gave over 1,000 briefings to Congress last year. Many of our people go up to Congress not knowing what they can tell and what they cannot tell, but they are told never to testify around a problem. Never to be disingenuous. Never to treat an answer artfully or refrain from answering because the question wasn't asked in the right way. They are told simply to demur, to refer back to Headquarters and up to me if necessary, and I will try to work it out with

Congress. Sometimes I lose, because they have a pretty heavy hand when they choose to exercise it. But most of the time, we are able to accommodate national security interests without damaging the credibility that is so essential. Because unless we can find a system of oversight that builds rather than erodes trust and confidence, we are doomed to repeat some of the history that affects and occasionally hinders all secret organizations.

The laws, the guidelines, and the rules provide protection for our people, and I believe they understand this. They are called upon to collect intelligence so that our policymakers can make wise decisions of importance to our national security. They need flexibility in which to operate, but they also need guidelines, so that when their actions are questioned, I can protect and defend those who faithfully followed the guidelines known to me, to the Congress, and to the President.

I would like to tell you that I've come to know the men and women of the Central Intelligence Agency. I've had time to deal with them at Headquarters and in STAT countries throughout the world. I'm very lucky to have these silent soldiers of democracy, people for whom fame and fortune are not important, who see in their work an opportunity to pursue their highest aspirations for a safer and better world. I'm pleased, too, that despite occasional campus picketing, applications come in to us at the rate of 1,000 per month from qualified, brilliant, capable, dedicated, young men and women. In fact, every time there is a demonstration, the number of applications goes up. But we do not cause the demonstrations.

These men and women are getting the kind of legal training that you want them to have. They come to us with a healthy respect for the law and a desire

to know how to accommodate our requirements with the obligations of citizenship and the Constitution, and we provide this to them. We have a very competent and skilled Office of General Counsel now headed by a former law clerk of mine, a former special assistant to the FBI, and partner of the law firm of Wilmer, Cutler & Pickering in Washington. And our lawyers are doing a great job.

With that, I've had all too brief an opportunity to say what I've been doing the last 10 years.

In this new assignment, I have not left the law. It is very much a part of this adventure. And so I thank you for this opportunity to come home tonight, and share with you on Law Day our reaffirmation to the rule of law. And to say again the great words of Learned Hand: "Descended to us, in some part molded by our hands, passed on to succeeding generations with reverence and with pride, we at once its servants and its masters, renew our fealty to the law."